NOTIFICATION.

(LAW DEPARTMENT)

No. LAW 139 *LCR* 65, *Bangalore, dated the* 18*th August* 1965.

Ordered that the accompanying Notification No. G.S.R. 730, dated 4th May 1965 regarding the High Court Judges Travelling Allowance (Amendment) Rules, 1965, which has been published in the *Gazette of India*, Part II, Section 3, sub-section (*i*), dated the 15th May 1965 be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

B. RAMACHANDRA RAO,
Under Secy. to Govt., I/c., *L. D.*

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

New Delhi, the 4th May 1965.

G.S.R. 730.—In exercise of the powers conferred by section 24 of the High Court Judges (Conditions of Service Act, 1954 (28 of 1954), the Central Government hereby makes the following further amendments in the High Court Judges Travelling Allowance Rules, 1956, namely :—

1. These rules may be called the High Court Judges Travelling Allowance (Amendment) Rules, 1965.

2. In the High Court Judges Travelling Allowance Rules, 1956—

(1) " in rule 2,

(*a*) in sub-rule (1)," ;

(i) in clause (c)

(x) for the words " two maunds ", the figures and words " 75 kilograms " shall be substituted,

(y) for the figure and words " 8 annas per mile" the figures and words " 32 paise per kilometre " shall be substituted ;

(ii) in clause (d), for the figure and words " Re. 1 per mile ", the figures and words " 64 paise per kilometre " shall be substituted ;

(iii) in " provisos (ii) and (iii) " to clause (d), for the words " five miles ", the words " eight kilometres " shall be substituted ;

(iv) after clause (d), the following shall be inserted, namely :—

" (dd) to an allowance for incidental charges limited to the actual expenses incurred by the Judge not exceeding one-half of first class railway fare in the case of rail journeys ; "

(v) in clause (e) for proviso (iii), the following shall be substituted, namely :—

" (iii) when a Judge is a State guest or is allowed free board and lodging at the expense of the Central or State Government or an autonomous industrial or commercial undertaking or corporation or a statutory body or a local authority in which Government funds have been invested or in which Government have any other interest, the daily allowance shall be restricted to 25 per cent of the amount admissible or sanctioned ; and if only board or lodging is allowed free, the Judges may draw daily allowance at one-half of the admissible rate. The Judges may also draw daily allowance at one-half of the admissible rate if he stays in circuit houses, inspection bungalows or the like without having to pay any charges for accommodation ; "

(b) in sub-rule (3), after clause (ii) the following shall be inserted, namely :—

" (iii) ' actual expenses' means the ordinary and normal expenses incidental to the journey and includes any charge for a ferry, payment of tolls, amount spent on transport of camp equipment but does not include such other charges as hotel charges, rent for occupying a traveller's bungalow, cost of refreshments, charges for carriage of stores or conveyance or presents to coachmen or tips to bearers, or any other allowance for such incidental losses or expenses as the breakage of crockery, wear and tear of furniture and the employment of additional servants ; "

(2) in rule 5, in clause (b), after the words " vacation spent " the words " in or " shall be inserted ;

(3) after rule 5, the following shall be inserted, namely :—

" 5-A. When a Judge or any member of his family undertakes a journey to obtain appropriate medical attendance and treatment under the provisions of the All India Services (Medical Attendance) Rules, 1954, as applicable to such Judge under the High Court Judges Rules, 1956, he shall be entitled to draw the same travelling allowance as is admissible for such journey to a member of the All India Service holding the rank of Secretary to the Government of the State in which the principal seat of the High Court is situated." ;

(4) in rule 6,

(a) in sub-clause (i) of clause (b) , for the figure and words " Rs. 2 per mile ", the words and figures " Rs. 1.26 paise per kilometer " shall be substituted ;

(b) in sub-clause (ii) of clause (b), for the figure and words "8 annas per mile" the figures and words "32 paise per kilometer" shall be substituted ;.

(c) in clause (d), for the words "passenger train" the word "railway" shall be substituted ;

(d) in clause (f),

(i) for the figures and word "60 maunds" the figures and word "2240 kilograms" shall be substituted, and

(ii) for the words "embarking and disembarking" the words "loading and unloading" shall be substituted ;

(e) in the Explanation, after the words "for the purpose of this rule" the words, figures and letters "and rules 7-A and 7-B" shall be inserted ;

(5) after rule 7, the following shall be inserted, namely :—

"7-A. (1) When a Judge, who has been transferred from one High Court to another, visits the place of his permanent residence in his home State either during his leave or vacation, he shall be entitled to be paid once in a year the expenditure actually incurred by him on the journeys to and from that place for the transport of.—

(a) himself and every member of his family, by the highest class, excluding air-conditioned, when travelling by rail or steamer,

(b) himself and every member of his family, at the rate of 64 paise per kilometer, when travelling by road,

(c) himself and every member of his family by a public air transport service, when travelling by air :

Provided that when any portion of the road or air journey can be performed by railway, the expenditure incurred in respect of that portion shall not exceed the amount which would have been admissible had the Judge and the members of his family travelled on such portion by railway by the highest class excluding air-conditioned.

(2) Nothing in this rule shall apply to a Judge, who, after being appointed as a Judge of a High Court outside his home State, is transferred to the High Court situated in his home State.

(3) The family of the Judge may precede or follow the Judge within one month of the commencement or expiry of his leave or vacation, as the case may be.

Explanations.—I. For the purpose of this rule and of rules 7-B and 7-C,—

" home State " means.—

(i) in the case of a person who has held a judicial office in the territory of India, such place as may have been recorded in his service records as the State in which his permanent residence is located, and

(ii) in any other case, the State which has been declared by a Judge of a High Court before the commencement of these rules as the State in which his permanent residence is located, or where no such declaration has been made, such State as the Judge of a High Court may, within one year from the commencement of these rules or from the date of his appointment, whichever is earlier, declared to be the State in which his permanent residence is located, and the declaration so made shall not be changed unless the Central Government, having regard to the exceptional circumstances of the case, permits such change, provided that not more than one such change shall be permitted by the Central Government during the period of service of a Judge of a High Court.

II. "Year" means the 'Calendar year', provided that in the event of the return journey falling in the succeeding calendar year, such journey shall be deemed to have been performed in the year in which the outward journey had commenced.

7-B. Notwithstanding anything contained in rule 5, a person appointed as a Judge of a High Court outside his home State, whether such appointment has been or is made before or after the commencement of these rules (as distinct from a Judge who has been transferred from one High Court to another) shall be entitled to travel concession for himself and the members of his family for visiting his permanent residence in his home State during his leave, once in a block of two years, in accordance with rule 2 of the High Court Judges Rules, 1956, read with the rules applicable in this behalf to a member of the Indian Administrative Service holding the rank of Secretary to the Government of the State in which the principal seat of the High Court is situated. For this purpose, 'leave' shall include vacation.

7-C. (1) In the case of a Judge who dies while in service, the members of his family shall be entitled to the following expenses for travel, by the shortest route, from the headquarters of the Judge at the time of his death, to his permanent residence in his home State, provided that such journey is completed whitin six months from the date of death of the Judge :—

(a) for journey by rail or steamer or both.—

(i) actual first class fare, without any incidentals, for every member of the family ;

(ii) actual cost of transportation of personal effects up to 2,240 kilograms by goods train or steamer or both ;

(b) for journeys by road—

(i) an allowance of 32 paise per kilometer for one member of the family, a further allowance of

32 paise per kilometer if two other members of the family travel, and a further 32 paise per kilometer if more than two other members of the family travel ;

(ii) actual cost of transportation of personal effects limited to the expenditure which would be incurred in the transportation of 2,240 kilograms by goods train and the expenditure incurred in loading and unloading such personal effects ;

(2) The expenses specified in sub-rule (1) shall also be admissible for travel by a member of the family of the deceased Judge from the headquarters of the Judge at the time of his death to a place other than his permanent residence in his home State or from such other place, as the member happens to be at the time of the Judge's death, to a place other than the Judge's permanent residence, in his home State, provided that the journey is completed within six months from the date of death of the Judge and the total expenses claimed for such journey do not exceed the amount which would have been admissible had such member travelled from the headquarters of the Judge to his permanent residence in his home State.

(3) Nothing in this rule shall apply in the case of a Judge who dies while on leave preparatory to retirement.

Explanation.—In this rule,

" members of a Judge's family means his widow, his children and his step-children who were normally residing with him and were wholly dependent on him at the time of his death.

[No. F. 16/43/ 64-Judl. I.

MANGLI PRASAD, Under Secy.

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